THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22006 of 2006
29.12.2006

Between:

G.Srinivasa Rao, S/o.Narasinga Rao

And others

… Petitioners

AND

The Principal Secretary to Government of Andhra Pradesh,

Revenue department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22006 of 2006

ORDER:

Respondents 4 to 16 approached respondents 1 and 2 seeking regularization/allotment of small extents of plots in survey No.27/1 situated at Guttala Begumpet Village of Serilingampally Mandal in Ranga Reddy District. The said applications were filed to avail the benefit given by the first respondent by reason of their orders in G.O.Ms.No.455, dated 29.7.2002. These applications were enquired into by the second respondent, who sent report/proposals on 30.8.2005. After considering the same, the Government issued G.O.Ms.No.539, dated 10.5.2006, allotting land admeasuring 183.92 Sq.yards (except in the case of two petitioners, where the extent of land is more), under Section 23(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (the ULC Act, for brevity). Assailing the said G.O.s, the present writ petition is filed seeking a writ of Certiorari.

The case of the three petitioners is that they are bona fide purchasers of plot Nos.5 and 8 to 13 (7 plots) in survey No.27/2 from Kummari Rajaiah, who was the owner of the land admeasuring Acs.3.20 guntas in survey No.27. After death of Rajaiah, his successors executed registered General Power of Attorney in favour of Y.Jaihind Reddy, who obtained exemption from the second respondent under G.O.Ms.No.733, dated 31.10.1988 and that he got approved the layout by Hyderabad Urban Development Authority (HUDA) in respect of the said land. Jaihind Reddy sold the plots to various persons. It is further alleged that the vendor of respondents 4 to 16 (K.Gopichand) did not file any declaration before the second respondent and, therefore, he was declared as surplus land holder including the land admeasuring Acs.2.20 guntas in survey No.27/1. The petitioners allege that the contesting respondents suppressed these facts and obtained the impugned G.O. After doing so, with the help of anti-social elements, they demolished small rooms existing on the land of the petitioners leading to the lodging of a complaint with the Commissioner of Police, Cyberabad, on 05.10.2006. The petitioners contend that Vemulapalli

Venkateswara Rao, who executed unregistered agreements of sale in favour of Surender, who executed registered sale deeds in favour of respondents 4 to 16, had no title to the property and, therefore, the impugned G.O. is unsustainable.

At the stage of admission itself, second respondent filed counter affidavit. Respondents 11 and 15 also filed separate counter affidavit, and other respondents are represented by Counsel.

The Special Deputy Collector in the office of the Special Officer, filed the counter affidavit on behalf of the second respondent. It is stated that the land in survey No.27 admeasuring Acs.2.21 guntas (10216.76 Sq. meters) is recorded in the name of Vemulapalli Venkateswara Rao at Khata No.2 and an extent of Acs.2.20 guntas is recorded in the name of Kummari Rajaiah against survey No.27/AA. Therefore, the land which is recorded in the name of Venkateswara Rao alone was considered for computation and the same was declared as surplus. The applications submitted by the respondents 4 to 16 were enquired into and taking into consideration the registered sale deeds, proposals were submitted to the first respondent for regularizing the land in survey No.27/1. It is also stated that the land purchased by the petitioners in survey No.27/2 belonging to Kummari Rajaiah was not computed to Vemulapalli Venkateswara Rao and, therefore, the writ petition is devoid of any merit.

Respondents 11 and 15 challenged the *locus standi* of the petitioners. The averments in their counter on this aspect are as follows.

> I submits that the petitioners admittedly are owners of land in Sy.No.27/2 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District and do not own any land in Sy.No.27/1 in which these respondents have land as mentioned above. The petitioners therefore have *locus standi* to challenge G.O.ms.No.539 Revenue (UC.II) dt.10.5.2006. **The petitioners are in no way concerned with the orders of the regularization passed under the above G.O. in favour of these respondents**. They have tried to mislead the court and tried to get interim orders which would have caused grave and irreparable loss to these respondents.

A perusal of the impugned G.O., would show that the Government regularized/allotted the land in favour of respondents 4 to 16 in respect of survey No.27/1 of Guttala Begumpet Village. Admittedly the petitioners purchased plot Nos.5 and 8 to 13 comprised in survey No.27/2. Therefore, they cannot have any grievance if the land in survey No.27/1 is allotted to the respondents. Further, it is averred in the counter affidavit of respondents 11 and 15 that when the petitioners made attempts to occupy the land in survey No.27/1, they filed O.S.No.2303 of 2006 on the file of the Court of I Additional Senior Civil Judge, Ranga Reddy District, and obtained an order of *ad interim* injunction in I.A.No.3794 of 2006 dated 17.10.2006. This is not denied by the petitioners. If the petitioners have any grievance that the respondents 4 to 16, who purchased the property in survey No.27/1, and there is any threat to the possession of the petitioners in survey No.27/2, their remedy is to agitate the matter in the Civil Court. In this writ petition, no relief can be granted to the petitioners.

The writ petition is therefore dismissed, giving liberty to the petitioners and contesting respondents to resolve their dispute in the Civil Court. No costs.

December 29, 2006. (**V.V.S.RAO,J**)

YS